

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

RUBEN AMADO-ORTIZ,

Defendant.

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19-CR-926 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:


There is a combined change-of-plea and sentencing proceeding in this matter scheduled for **September 16, 2020**. Counsel are directed to confer and, **within two business days of this Order**, submit a joint letter indicating their views on whether the proceeding should be held or if it should be adjourned (and, if so, for how long). If either party believes that the proceeding should be held, counsel should explain why and indicate their views on (1) whether the proceeding should be held in person or remotely; and (2) whether, if permitted Court under the Constitution, the Federal Rules, and the CARES Act, the Defendant consents to a remote proceeding and/or to waiving his/her appearance altogether. If the Defendant is detained, counsel should identify the facility in which the Defendant is held; if the Defendant is not detained, counsel should indicate whether the Defendant would be capable of participating in a remote proceeding.

After reviewing the parties' joint letter, the Court will issue an order indicating whether the proceeding will be held and, if so, how; and addressing any other relevant deadlines and information. If a proceeding is held, it may have to be at a different time. To that end, counsel should indicate in their joint letter dates and times during the week of the currently scheduled proceeding that they would be available for a proceeding, whether in person or remote. In the event of a remote proceeding, counsel should review and comply with the Court's Emergency Individual Rules and Practices in Light of COVID-19, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>.

Finally, in order to proceed directly to sentencing following Defendant's change of plea, the Court will have to review the Presentence Investigation Report prior to entry of a guilty plea. To permit the Court to do so, Defendant (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel) and defense counsel shall sign and file the attached waiver form no later than **September 8, 2020**.

SO ORDERED.

Dated: September 1, 2020  
New York, New York

  
JESSE M. FURMAN  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

Defendant.

X

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X

\_\_\_-CR-\_\_\_ (JMF)

WAIVER OF RIGHT TO  
NON-DISCLOSURE OF  
PRE-SENTENCE REPORT

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand that a United States Probation Officer must conduct a presentence investigation into my background and submit a report to the Court before it imposes a sentence, unless a limited exception applies. I understand that I do not qualify for one of those exceptions and that a United States Probation Officer will prepare a presentence investigation report about me. I understand that, under Federal Rule of Criminal Procedure 32(e), the probation officer is not permitted to disclose my presentence report to anyone, including the Court, until I have formally pleaded guilty, unless I consent to such disclosure in writing. I understand these rights and hereby consent in writing to the disclosure of the probation officer's presentence investigation report in this case to the Court and to the Government prior to my entry of a formal guilty plea.

Signature of Defendant (or Authorized Person): \_\_\_\_\_

Date: \_\_\_\_\_

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, the potential consequences of pleading guilty to some or all of the charges, and my client's right, before his guilty plea is entered, to absolute privacy in the contents of the probation officer's presentence investigation report absent my client's written consent. I affirm that my client knowingly and voluntarily consents to the disclosure of his presentence report to the Court and to the Government before he formally enters a guilty plea.

Signature of Defense Counsel: \_\_\_\_\_

Date: \_\_\_\_\_

SO ORDERED:

\_\_\_\_\_  
JESSE M. FURMAN  
United States District Judge

Date: \_\_\_\_\_